

Message Text

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ACTION EA-09

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TAGS: PGOV PINT TH

SUBJECT: PROSECUTION DEPT. DROPS CHARGES AGAINST TRIO

REF: A) BANGKOK 7705, B) BANGKOK 24877

SUMMARY: ON DEC 5 PROSECUTION DEPT DG

ANNOUNCED DECISION NOT RPT NOT TO PROSECUTE "TYRANNICAL

TRIO" (THONOM, PRAPHAT, AND NARONG) ON CHARGES THEY

ORDERED SHOOTING OF DEMONSTRATORS DURING OCT 14, 1973,

UPRISING. ACTION COULD OPEN THE WAY FOR RETURN OF

PRAPHAT FROM TAIPEI AND NARONG FROM WEST GERMANY. END

SUMMARY.

1. ACCORDING TO BANGKOK PRESS PRATHUANG KIRATIBUT, DIRECTOR-GENERAL OF THE PUBLIC PROSECUTION DEPARTMENT, (PPD) DISCLOSED ON DEC 5 THAT THE DEPARTMENT HAS DECIDED AGAINST PROSECUTING FORMER PRIME MINISTER THANOM KITTIKHACHON, FORMER DEPUTY PRIME MINISTER PRAPHAT CHARUSATHIAN, AND THANOM'S SON AND PRAPHAT'S SON-IN-LAW, NARONG KITTIKHACHON, ON CHARGES THAT THEY ORDERED THE MILITARY AND POLICE TO SHOOT AT DEMONSTRATORS DURING THE OCT 14, 1973, UPRISING. HE SAID THAT HIS DEPARTMENT AGREED WITH THE OPINION OF THE POLICE COMMITTEE HEADED BY POL. LTG THEP SUPHAMIT, THAT THE

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EVIDENCE AGAINST THE THREE MEN WAS VERY WEAK. HE IS QUOTED

AS SAYING, "THERE WASN'T ANY EVIDENCE TO INDICATE THAT THE THREE MEN ISSUED AN ORDER, EITHER ORALLY OR WRITTEN, TO SHOOT THE DEMONSTRATORS." HE ADDED THAT HE THOUGHT THE DECISION NOT TO PROSECUTE WOULD BE FINAL. HOWEVER, THE CASE WOULD BE SENT BACK TO THE POLICE. IF THEY DECIDED TO FILE A COURT CASE AGAINST THE OUSTED TRIO, THE PUBLIC PROSECUTION DEPT WILL RECONSIDER THE CASE. IF NOT, THE CASE WILL BE CLOSED.

2. SEVERAL COMMITTEES HAVE INVESTIGATED THE CASE AGAINST THE TRIO SINCE OCT 1973, MOSTLY AT THE INSISTENCE OF THE NSCT. NO ONE HAS COME UP WITH ANY CONCLUSIVE EVIDENCE THAT ANY OF THE TRIO HAD GIVEN THE ORDERS TO SHOOT AT THE DEMONSTRATORS. AS REPORTED IN REF A, A MILITARY COMMITTEE IN MARCH, 1976, SUBMITTED A REPORT TO THE CABINET CLEARING THE FORMER GOVERNMENT LEADERS OF CHARGES THAT THEY HAD ACTED ILLEGALLY IN ATTEMPTING TO SUPPRESS DEMONSTRATIONS. THE REPORT WAS NEVER MADE PUBLIC, BUT ITS SUBSTANCE WAS CONFIRMED BY THEN PRIME MINISTER KHUKRIT PRAMOT AND THEN DEPUTY PRIME MINISTER AND DEFENSE MINISTER PRAMAN ADIREKSAN ON SEPARATE OCCASIONS.

3. ANOTHER COMMITTEE WAS FORMED BY THEN PRIME MINISTER SENI PRAMOT IN SEPT 1976, AS A CONSEQUENCE OF THE BRIEF RETURN TO THAILAND OF PRAPHAT. (SEE REF B). IT WAS HEADED BY POL. LTG THEP SUPHAMIT, COMMISSIONER OF THE CENTRAL INVESTIGATION BUREAU. THE POLICE REPORT WAS SENT FIRST TO THE MILITARY JUDGE ADVOCATE DEPARTMENT, WHICH SUBSEQUENTLY PASSED IT ON TO THE PUBLIC PROSECUTION DEPARTMENT FOR ITS CONSIDERATION. IT IS ON THIS REPORT THAT THE PPD MADE ITS RECENT DECISION.

3. COMMENT: THE DECISION TO DEOPT THE CHARGES AGAINST THE TRIO COULD OPEN THE WAY FOR THE EVENTUAL RETURN OF PRAPHAT FROM TAIPEI AND NARONG FROM WEST GERMANY. THE GOVERNMENT, HOWEVER, HAS THE POWER, UNDER ARTICLE 21 OF THE PRESENT CONSTITUTION, TO BAR THEIR RETURN, BUT IT IS NOT KNOWN IS THE RTG IS PREPARED TO USE THIS AUTHORITY. THERE HAVE BEEN RECURRENT RUMORS THAT PRAPHAT WOULD SOON RETURN ONCE AGAIN FROM TAIPEI.

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4. NARONG'S RETURN MAY BE FARTHER IN THE FUTURE. SINCE HE MADE MANY ENEMIES WITHIN MILITARY AND POLICE CIRCLES WHILE HIS FATHER WAS IN POWER, HE IS NOT AS WELCOME AS HIS FATHER OR FATHER-IN-LAW. ACCORDING TO THE DEC WY DAILY NEWS, WING COMMANDER YUTTHAPHONG KITTIKHACHON, YOUNGEST SON OF THANOM, TOLD REPORTERS ON DEC 5 THAT NARONG AND HIS RELATIVES IN BANGKOK HAVE AGREED THAT NARONG SHOULD NOT RETURN TO THAILAND UNTIL THE PUBLIC ATTITUDE TOWARD THE KITTIKHACHON FAMILY IS

FAVORABLE. THIS, IN SPITE OF THE FACT THAT
ARONG ALLEGEDLY
IS FINDING LIFE IN WEST GERMANY TO BE VERY DIFFICULT.
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